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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

DUNHAM-PRICE GROUP, L.L.C. : DOCKET NO. 05 CV 2214
VS. : JUDGE MINALDI
PORT AGGREGATES, INC. : MAGISTRATE JUDGE WILSON

JUDGMENT

In accordance with the corresponding Memorandum Ruling, for the reasons set forth therein,
IT IS ORDERED that the Motions to Dismiss and For More Definite Statement [docs. 10, 30] pursuant to Rule 12 of the Federal Rules of Civil Procedure filed by defendant, Port Aggregates, Inc. ("PAI") ARE GRANTED IN PART and DENIED IN PART as follows:

IT IS ORDERED, ADJUDGED and DECREED that PAI's Motion to Dismiss for lack of admiralty jurisdiction IS DENIED.

IT IS ORDERED, ADJUDGED and DECREED that the Motion to Dismiss allegations filed pursuant to 33 U.S.C. §409 and §15 of the Rivers and Harbors Appropriations Act of 1899 IS GRANTED.

IT IS ORDERED, ADJUDGED and DECREED that Dunham-Price Group, L.L.C. ("DPG") shall be allowed fifteen days from the date of this order within which to amend its complaint to include a claim for intentional interference against PAI;

IT IS ORDERED, ADJUDGED and DECREED that the Motion to Dismiss DPG's claims on the basis of LSA C.C. Art 667 IS DENIED;

IT IS ORDERED, ADJUDGED and DECREED that the Motion to Dismiss DPG's claims alleging third-party beneficiary interests IS GRANTED.

IT IS ORDERED, ADJUDGED and DECREED that the Motion for a More Definite Statement to name the Lake Charles Harbor and Terminal District as a necessary party IS DENIED.

IT IS ORDERED, ADJUDGED and DECREED that the Motion for a More Definite Statement regarding whether DPG's third-party beneficiary claim arises in state or federal law is MOOT.

IT IS ORDERED, ADJUDGED and DECREED that the Motion for a More Definite Statement requiring "all material times" to be specifically identified prior to discovery IS DENIED.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Motion for a More Definite Statement requiring notice of the specific law and/or regulations which PAI is allegedly violating IS GRANTED. DPG shall have fifteen days from the date of this order within which to amend its complaint.

Lake Charles, Louisiana, this 26 day of July, 2006.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE